

July 19, 2005

Loc Tran  
5029 Heleo Avenue  
Temple City, CA 91780

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

**SUBJECT: CSD MODIFICATION NO. 03-344-(5)  
TENTATIVE PARCELTRACT MAP NO. 060415  
MAP DATE: July 29, 2004**

PLEASE NOTE: This document contains the Planning Commission's findings and order and conditions relating to **APPROVAL** of the above referenced case (the Planning Commission sustained the Hearing Officer's approval of this case; denied the appeal). **CAREFULLY REVIEW EACH CONDITION.** Condition 2 requires that the permittee must file an affidavit accepting the conditions before this grant becomes effective.

The County of Los Angeles Regional Planning Commission, in its action on July 13, 2005, approved the tentative tract map and CSD modification in accordance with the Subdivision Map Act and Title 21 (Subdivision Ordinance) and Title 22 (Zoning Ordinance) of the Los Angeles County Code subject to the recommendations and conditions of the Subdivision Committee. A copy of the approved findings and conditions is attached.

The actions of the tentative tract map and CSD modification authorize:

1. the development of two single-family lots on a 0.4 acre lot; and
2. modification to the East Pasadena-San Gabriel Community Standards District to allow modification of the minimum required street frontage to allow the development of one flat lot.

The decision of the Regional Planning Commission regarding the tentative tract map shall become final and effective on the date of the decision, provided no appeal of the action taken has been filed with the Board of Supervisors within the following time periods:

1. In accordance with the requirements of the Los Angeles County Code (Zoning Ordinance), the CSD modification may be appealed during the ten-day period following your receipt of this letter.

2. In accordance with the requirements of the State Map Act, the tentative tract map may be appealed within ten days following the decision of the Regional Planning Commission.

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Regional Planning Commission's decision to the Board of Supervisors through the office of Violet Varona-Lukens, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California, 90012. Contact the Executive Office for the necessary forms and the amount of the appeal fee at (213) 974-1426. The appeal must be postmarked or delivered in person within the appropriate appeal period. Please be advised that your appeal will be rejected if the check is not submitted with the letter.

The tentative tract map approval shall expire on **July 13, 2007**. If the subject tentative tract map does not record prior to the expiration date, a request in writing for an extension of the approval, accompanied by the appropriate fee, must be delivered in person prior to the expiration date.

If you have any questions regarding this matter, please contact Ms. Karen Simmons of the Department of Regional Planning at (213) 974-6435 between the hours of 7:30 a.m. and 6 p.m., Monday through Thursday. Our offices are closed Fridays.

Very truly yours,

DEPARTMENT OF REGIONAL PLANNING  
James E. Hartl, AICP  
Director of Planning

Ellen Fitzgerald  
Supervising Regional Planner

EMF:KMS

Attachments: Findings and conditions

c:	Subdivision Committee	Building and Safety
	Zoning Enforcement	Michael J. Davis & Elizabeth M. Gargan
	Board of Supervisors	(REGISTERED)
	Fotios & Susan Deligiannis	

**PARCEL MAP NO. 060415-(5)**  
**CSD MODIFICATION CASE NO. 03-344-(5)**

**FINDINGS AND ORDER OF THE REGIONAL PLANNING COMMISSION**  
**COUNTY OF LOS ANGELES**

**REGIONAL PLANNING COMMISSION HEARING DATE: JUNE 15, 2005**

**SYNOPSIS:**

The applicant, Loc Tran, proposes to create two single-family lots on .4 acres in the R-1-5,000 (single-family residential, 5,000 square feet minimum required area) zone. The subject property is one lot currently developed with one single-family residence, detached parking garage (which had been converted to a single-family residence), and a storage building. The single-family residence is to remain; the parking garage and storage building are to be removed. The applicant is proposing to construct a new two-car garage on Parcel No. 1 and a single-family residence with an attached three-car garage on Parcel No. 2.

The applicant is requesting a modification to the East Pasadena – San Gabriel Community Standards District Community Standards District (CSD) for minimum lot frontage. The proposed subdivision would create one flag lot, Parcel No. 2. Parcel No. 2 would have a 20-foot wide driveway fronting on Ardendale Avenue; Parcel No. 1 would have a 60-foot wide frontage. Currently, the subject property has 80 feet on Ardendale Avenue. Per the CSD, a minimum of 70 feet of street frontage is required.

This case was heard before the Hearing Officer on December 7, 2004 and December 21, 2004. After considering the evidence presented, the Hearing Officer in his action on December 21, 2005 took the case under submission to review all written and oral testimony that was submitted at the Public Hearings. After reviewing all testimony on the matter, the Hearing Officer approved the tentative parcel map and CSD modification. The opposition to the project appealed the case to the Regional Planning Commission.

**PROCEEDINGS BEFORE THE COMMISSION**

June 15, 2005

A duly noticed public hearing was conducted by the Regional Planning Commission on June 15, 2005. The Commission heard the appeal of the Hearing Officer's approval of the applicant's request for authorization to reduce the East Pasadena-San Gabriel Community Standards District's required lot width from seventy-five feet to twenty feet.

All Commissions were present, however, Commissioner Rew left the hearing prior to the close of testimony.

No representative of the applicant provided testimony during the hearing. No testimony in favor of the applicant's request was received.

Three neighboring residents testified in opposition to the request. The opposition's testimony included concerns that many of the findings made by the Hearing Officer were misleading. They contended that the Community Standards District should not be modified as requested by the applicant. They alleged that the Hearing Officer did not consider the community's letters and petitions against the project. They noted that zoning violations had previously occurred on the subject property. They expressed concerns that the applicant would construct two-story homes on the proposed lots and that these two-story homes would not be compatible with their neighborhood and that they would create an invasion of their privacy.

Commissioners noted that the construction of two-story homes in the neighborhood is permitted as a matter of course by the Zoning Ordinance and that no issue relating to the height of homes that might be constructed is before the Commission. After discussing Community Standards District and Zoning Ordinance requirements relating to flag lots, the Commission noted the existence of multiple flag lots within a 500-foot radius of the subject property. The Commission concluded that the creation of a flag lot would not be incompatible with the existing neighborhood pattern. The Commission voted (4-0) to close the public hearing, indicate its intent to sustain the Hearing Officer's approval of the applicant's proposal and to direct staff to prepare the findings and conditions for approval.

## **FINDINGS**

1. On December 7, 2004 and December 21, 2004 the Hearing Officer of the Department of Regional Planning conducted duly noticed public hearings for the purpose of reviewing a request for authorization to modify the minimum lot width requirements imposed by the East Pasadena-San Gabriel Community Standards District.
2. The applicant requested authorization to divide the subject property into two lots. Lot 1 would have a width of 60 feet. Lot 2 would have a width of 20 feet. The East Pasadena-San Gabriel Community Standards District requires a minimum width of 70 feet for all newly created lots. The proposed division would create one flag lot.
3. Three persons testified in opposition to the request and six letters were received in opposition from surrounding neighbors as well as 13 signatures in opposition on a petition.

4. On January 4, 2005 the Hearing Officer approved the applicant's proposed subdivision and the requested modification of development standards.
5. On January 10, 2005 neighboring property owners filed an appeal of the Hearing Officer's action with the Regional Planning Commission.
6. The Regional Planning Commission (Commission) conducted a duly noticed public hearing in the matter of Tentative Parcel Map No. 060415 and CSD Modification No. 03-344-(5) on June 15, 2005.
7. Tentative Parcel Map No. 060415 is a request to create two single-family lots on .4 acres.
8. Community Standards District (CSD) Modification No. 03-344-(5) is a request to allow a modification to the minimum required lot frontage to allow one flag lot within the East Pasadena – San Gabriel CSD. The Commission determined that other flag lots exist in the neighborhood.
9. The site is located at 9137 Ardendale Avenue, San Gabriel, in the South Santa Anita – Temple City Zoned District.
10. The rectangular shaped subject property is .4 gross acres in size with level topography. The site is currently developed with a single-family residence, a guest house and storage shed. The existing single-family residence is to remain; the guest house and storage shed are to be removed.
11. Access to the project site is via Ardendale Avenue to the south; Ardendale Avenue is an improved public street. Potable water is provided to the site by the Sunny Slope Water Company, a public water system. Sewage disposal is provided through the public sewer and wastewater treatment facilities of the Los Angeles County Sanitation District. The subject property is located approximately one mile southwest of the Santa Anita Park and The Arboretum of Los Angeles County. Shopping and dining are available in the adjacent cities of Temple City, Arcadia, San Marino and San Gabriel.
12. The project site is zoned R-1-5,000 (Single-Family Residential, 5,000 minimum square feet required area). The current R-1 zoning on the subject property became effective on February 4, 1938, following the adoption of Ordinance Number 3045, which established the South Santa Anita – Temple City Zoned District.
13. Surrounding properties to the north, south, east and west are also zoned R-1-5,000.
14. Single-family residences surround the property to the north, south, east and west.

15. The subject property is depicted within the Low Density classification on the Land Use Policy Map of the Countywide General Plan. This classification of the General Plan identifies areas particularly suitable for single-family detached housing units, including large lot estates and typical suburban tract developments. Densities typically range from one to six units per gross acre. The intent of this classification is to maintain the character of existing low density residential neighborhoods and also to provide additional areas to accommodate housing stock.

The subject property has an allowable maximum density of two dwelling units; the applicant is proposing two dwelling units or 5.0 dwelling units per acre.

16. The Commission finds the proposed project and the provisions for its design and improvements are consistent with the goals and policies of the Los Angeles County General Plan. The project takes full advantage of existing public service and facility capacities, maintains the quality of existing residential neighborhoods and coordinates land use with existing transportation networks.
17. A Negative Declaration is the appropriate environmental documentation for this project under California Environment Quality Act (CEQA) reporting requirements. An Initial Study was prepared for this project in compliance with the environmental guidelines and reporting procedures of the County of Los Angeles. The Initial Study showed that there is no substantial evidence that the project may have a significant effect on the environment. This project is exempt from Fish and Game CEQA filing fees.
18. The building permits previously issued for the project site confirm one single-family residence and a guest house being approved on the property. Over time the guest house was converted to a second single-family residence. Although this residence will be removed upon approval of this subdivision, the Hearing Officer for investigation referred the discovered violation to the Department of Regional Planning's Zone Enforcement Section. Zone Enforcement reported that the structure was occupied. Enforcement issued a violation on the property; the resident of the second single-family residence was evicted by the applicant.
19. At the public hearing, the Commission heard oral testimony from the applicant's agent and three persons in opposition to the request. One telephone call and six letters (13 signatures) were received in opposition. Opposition comments from neighbors voiced concerns about new two-story homes being placed on the property that would be out of scale and impact the privacy of the existing single-story residences in the area. In addition, the residents expressed concerns that the project is not in conformance with the East Pasadena – San Gabriel Community Standards District and would further add to traffic and parking problems in the area. Opposition testimony was received against allowing another flag lot in the neighborhood.

20. The Commission confirmed that the County Zoning Ordinance and East Pasadena-San Gabriel Community Standards District permit two story residential structures if developed in accordance with development standards. However, the approval of one or two-story homes on the subject property was not before the Commission; any residences would be reviewed by the Department of Regional Planning for consistency with Subdivision Code Title 21 and Zoning Code Title 22. The Commission was only reviewing the compatibility of the proposed lot widths.
21. The Commission noted that Section 21.24.320 of the Code provides that the Commission may disapprove flag lots if the design is in conflict with the pattern of neighborhood development. The Commission noted that this proposal is not in conflict with the neighborhood development.
22. The site is physically suitable for the density and type of development proposed since it has access to a County-maintained street, will be served by public sewers, and will be provided with water supplies and distribution facilities to meet anticipated domestic and fire protection needs.
23. The division and development of the property in the manner set forth on this map will not unreasonably interfere with the free and complete exercise of public entity and/or public utility rights-of-way and/or easements within this map, since the design and development as set forth in the conditions of approval and shown on the tentative map provide adequate protection for any such easements.
24. Pursuant to Article 3.5 of the Subdivision Map Act, the proposed subdivision does not contain or front upon any public waterway, river, stream, coastline, shoreline, lake or reservoir.
25. The discharge of sewage from this land division into the public sewer system will not violate the requirements of the California Regional Water Control Board pursuant to Division 7 (Commencing with Section 13000) of the California Water Code.
26. The housing needs of the region were considered and balanced against the public service needs of local residents and available fiscal and environmental resources when the project was determined to be consistent with the Countywide General Plan.

**THEREFORE**, in view of the findings of fact and conclusions presented above, Tentative Parcel Map No. 060415 and CSD Modification No. 03-344-(5) are approved, subject to the attached conditions and recommended by the Los Angeles County Subdivision Committee.

AND, THEREFORE, the written information submitted by the applicant and presented at the public hearings substantiates the required findings as set forth in Sections 22.56.090 and 22.56.195 of the Los Angeles County Code (Zoning Ordinance).

**REGIONAL PLANNING COMMISSION ACTION:**

1. After consideration of the Negative Declaration together with all comments, written and verbal, received during the public review process, the Commission finds on the basis of the whole record before the Commission that there is no substantial evidence the project will have significant effect on the environment, finds that the Negative Declaration reflects the independent judgment and analysis of the Commission, and adopts the Negative Declaration.
2. In view of the findings of fact and conclusions presented above, Tentative Parcel Map No. 060415-(5)/CSD Modification Case No. 03-344-(5) is **APPROVED**, subject to the attached conditions.

**VOTE:** 4-0-0-1

**Concurring: Commissioners Rew, Helsley, Modugno, Bellamy**

**Dissenting: None**

**Abstaining: None**

**Absent: Commissioner Valadez**

**Action Date: July 13, 2005**

PM:KMS  
07-13-05



**DEPARTMENT OF REGIONAL PLANNING  
TENTATIVE PARCEL MAP NO. 060415**

**MAP DATE: 7-29-04**

**FINAL CONDITIONS:**

1. In conjunction with Community Standards District Modification Case No. 03-344-(5), this grant authorizes the subdivision of one lot into two lots with modified street frontage, as depicted on the approved Tentative Parcel Map dated 7-29-04.
2. Conform to the applicable requirements of Title 21 and Title 22 of the Los Angeles County Code (Subdivision and Zoning Ordinance) and the area requirements of the R-1 zone.
3. The flag lot, Parcel No. 2, shall have a fee access strip of at least 20 feet in width.
4. Construct or bond with the Department of Public Works for 20 feet of paving on Parcel No. 2 to the satisfaction of the Department of Regional Planning and the Fire Department.
5. Provide reciprocal easements over the access strip for the benefit of Parcel Nos. 1 and 2 served. Submit to the Department of Regional Planning for approval a notarized letter agreeing to record the easement documents when the lots are sold and a copy of the easement document.
6. Provide a maintenance agreement for the continued maintenance of the common private driveway. Provide a copy of the document to be recorded to the department prior to final map approval.
7. Within five (5) days of the tentative map approval date, remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with Section 21152 of the Public Resources Code. The project is *de minimus* in its effect on fish and wildlife and a \$25 processing fee must be paid to the Los Angeles County Clerk to accompany the Certificate of Fee Exemption pursuant to Section 711.4 of the Fish and Game Code. No land use project subject to this requirement is final, vested or operative until the fee is paid.

8. Recordation of a final parcel map is required for this land division. Recordation of a parcel map waiver is not allowed.
9. Per Section 21.32.195, the subdivider or the current owner shall plant one tree within the front yard of each residential lot. The location and the species of the tree may be incorporated into a site plan or landscape plan to be approved by the Director of Planning and the County Forester and Fire Warden. Prior to final map approval, a bond shall be posted with the Department of Public Works or other verification shall be submitted to the satisfaction of the Department of Regional Planning to insure the planting of the required tree.
10. The subdivider shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this approval, which action is brought within the applicable time period of Government Code Section 65499.37 or any other applicable limitation period. The County shall promptly notify the subdivider of any claim, action or proceeding and the County shall cooperate fully in the defense. If the County fails to promptly notify the subdivider of any claim, action or proceeding, or if the County fails to cooperate fully in the defense, the subdivider shall not, thereafter, be responsible to defend, indemnify, or hold harmless the County.
11. In the event that any claim, action, or proceeding as described in Condition No. 18 above is filed against the County, the subdivider shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the Department of Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to the subdivider or subdivider's counsel. The subdivider shall pay the following supplemental deposits, from which actual costs shall be billed and deducted:
  - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the subdivider shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
  - b. At the sole discretion of the subdivider, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost of the collection and duplication of records and other related documents will be paid by the subdivider according to the Los Angeles County Code Section 2.170.010.

12.The applicant shall provide the Director of Planning with copies of the demolition permits for the second residence/guest house prior to recordation of the final map.

13.Except as modified herein above, this approval is subject to all those conditions set forth in the attached reports recommended by the Los Angeles County Subdivision Committee, which consists of the Departments of Regional Planning, Public Works, Fire, Parks and Recreation, and Health Services.

PM:KMS  
07-07-05

**DEPARTMENT OF REGIONAL PLANNING  
CSD MODIFICATION NO. 03-344-(5)**

**FINAL CONDITIONS:**

1. In conjunction with Parcel Map No. 060415, this grant authorizes the modification of the minimum street frontage requirement of the East Pasadena – San Gabriel Community Standards District (CSD) as depicted on the Exhibit “A”, subject to all of the following conditions of approval. The subject property shall comply with all other requirements of the East Pasadena – San Gabriel CSD.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay

the following supplemental deposits, from which actual costs shall be billed and deducted:

- a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
- b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee according to Los Angeles County Code Section 2.170.010.

6. This grant will expire unless used within 2 years from the date of approval. Time extensions granted for the associated parcel map, PM 060415, shall also apply to this grant.
7. It is further declared and made a condition of this grant that if any condition hereof is violated, or if any law, statute, or ordinance is violated, the grant shall be suspended and the privileges granted shall lapse; provided that the property owner has been given written notice of such violation and has failed to correct the violations for a period of thirty (30) days.
8. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
9. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works.
10. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Fire Department to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided as may be required by said Department.
11. The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." All revised plot plans must be accompanied by the written authorization of the property owner.
12. This CSD modification allows the modification of the minimum required street frontage from the required 70 feet to the proposed 60 and 20 foot widths. The permittee shall be in compliance with all other East Pasadena – San Gabriel Community Standards District development standards.

13. A plot plan review for any new development on the subject property shall be required to ensure conformance with East Pasadena – San Gabriel Community Standards District requirements prior to any construction.

PM:KMS  
07-07-05